



August 1, 2022

Via CM/ECF

The Honorable Paul A. Engelmayer
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007-1312

**Re: *In re Morgan Stanley Data Security Litigation*
No. 1:20-cv-05914**

Dear Judge Engelmayer:

Pursuant to this Court's Order dated July 28, 2022, (ECF No. 145), Settlement Class Counsel immediately instructed the Settlement Administrator to post a copy of the Court's Order on the Settlement Website and forwarded the Order to the objecting Class Members named individually in the Order. In response, Settlement Class Counsel received an email containing the attached letter from Objector Mark F. Lewis on July 31, 2022. Mr. Lewis's letter is addressed to Your Honor and is attached hereto as **Exhibit 1** for the Court's review.

For your Honor's reference, the Stipulation and Order Re Scheduling containing Your Honor's procedures for Class Members and objectors to participate in the Fairness Hearing (ECF No. 110) is posted on the Settlement Website and has been since the entry of that Order. However, neither Settlement Class Counsel nor Defendant has opposition to Mr. Lewis's participation by telephone if the Court is inclined to grant his request.

Mr. Lewis's request to speak telephonically at the August 5, 2022 hearing is granted. Mr. Lewis will be permitted to participate after Mr. John Oronato. Plaintiffs' counsel is directed to notify Mr. Lewis of this order.

SO ORDERED.

A handwritten signature in cursive script that reads 'Paul A. Engelmayer'.

PAUL A. ENGELMAYER
United States District Judge
August 3, 2022

cc: All counsel of record (via ECF)

Respectfully Submitted,

/s/ Linda P. Nussbaum
Linda P. Nussbaum
Nussbaum Law Group, P.C.

/s/ Jean S. Martin
Jean S. Martin
Morgan & Morgan

Settlement Class Counsel

Exhibit 1

Jean Martin x2216

From: SettlementClass Member <mflmsdsi@gmail.com>
Sent: Sunday, July 31, 2022 11:05 PM
To: Linda Nussbaum; Jean Martin x2216
Subject: *EXT* In re Morgan Stanley Data Security Litigation 1:20-cv-05914-AT (S.D.N.Y.) - Order re Objectors at Final Approval Hearing
Attachments: MORGAN - Appearance Telephonically.docx

CAUTION: Use caution when clicking on links or opening attachments in this external email.

1 August 2022, UTC +8

Class Counsel – Attached please find my note to the Court entered 29 July 2022 requesting remedy to the errors in its Order Case 1:20-cv-05914-PAE Document 145 Filed 07/28/22. I am providing you a copy of this note since I have stated my intention to appear at the hearing, I still wish to do so telephonically, and in the hopes that, as you are my representatives to the Court, you will help remedy this error.

Mark F. Lewis
Settlement Class Member
SETTLEMENT UNIQUE ID: CF3FD46EA2
+852 9028 3612
mflmsdsi@gmail.com

In re Morgan Stanley Data Security Litigation
1:20-cv-05914-AT (S.D.N.Y.)

10 B SUN DAY TSENG LAN SHUE
CLEAR WATER BAY ROAD
Sai Kung
Hong Kong

July 29, 2022

To The Right Honorable Judge Paul A. Englemayer:

Via email: EngelmayerNYSChambers@nysd.uscourts.gov

Re: In re Morgan Stanley Data Security Litigation 1:20-cv-05914-AT (S.D.N.Y.)
Settlement Class Member: Mark F. Lewis
SETTLEMENT UNIQUE ID: CF3FD46EA2
Case 1:20-cv-05914-PAE Document 145 Filed 07/28/22

Dear Judge Englemayer,

Unfortunately, there seems to be some confusion¹.

After again fully reviewing the documentation currently available at <https://www.morganstanleydatasecuritysettlement.com/> and the documentation that I have received thus far from Class Counsel, there has only ever been an indication that "The Court has scheduled a final approval hearing...via teleconference." Further, there is no indication anywhere in the documentation that objectors are required to make an election to appear "Telephonically" or "In-person". And, in light of the on-going COVID-19-pandemic, it is both rational and reasonable to conclude that any "appearance" at the hearing referred to in Your Honor's order, Case 1:20-cv-05914-PAE Document 145 Filed 07/28/22, would be "via teleconference" (i.e. telephonically).

That said, I still wish to speak at the hearing and respectfully request that I be allowed to do so "telephonically". In order to cause as little, if any, disruption, I am more than willing to speak eighth² (i.e. after John Oranato).

Respectfully Submitted for Your Honor's consideration.

Sincerely,

Mark F. Lewis
SETTLEMENT UNIQUE ID: CF3FD46EA2
+852 9028 3612
mflmsdsi@gmail.com

¹ Please note that in both my first and second notices to the Court that I wished to speak at the hearing, I indicated that the use of multiple terms to refer to the same thing posed points of confusion.

² Please also note that Stephen Helfand appears as both a Telephonic objector and an In-person objector.